

REMARKS

The Office Action dated October 9, 2007 has been received and considered. Reconsideration of the outstanding rejections in the present application is respectfully requested based on the following remarks.

Allowability of Claims

The Applicant notes with appreciation the indication at page 10 of the Office Action that claims 19 and 20 would be allowable if rewritten in independent form. The Applicant has opted to forgo rewriting these claims as suggested in view of the following remarks.

Anticipation Rejection of Claims 1, 2, 4, 6, 7, 10-18, 21, 25, 31, 32 and 35-46

At page 2 of the Office Action, claims 1, 2, 4, 6, 7, 10-18, 21, 25, 31, 32 and 35-46 are rejected under 35 U.S.C. § 102(b) as being anticipated by Kashiwagi et al. (U.S. Patent No. 5,923,869). This rejection is hereby respectfully traversed.

Kashiwagi discloses a system for sequencing a set of video “titles.” *Kashiwagi*, col. 5, lines 3-7. The Kashiwagi system includes an encoder that edits a multimedia stream based on a user defined “scenario.” *Id.*, col. 7, lines 41-65. According to Kashiwagi,

The scenario data St7 is basically a set of instructions describing what source data is selected from all or a subset of the source data containing plural titles within a defined time period, and how the selected source data is reassembled to reproduce the scenario (sequence) intended by the user. Based on the instructions received through the keyboard or other control device, the CPU codes the position, length, and the relative time-based positions of the edited parts of the-respective multimedia source data streams St1, St3, and St5 to generate the scenario data St7

Id., col. 7, line 60 –col. 8, line 3. Thus, the Kashiwagi system edits a multimedia stream to produce a multimedia sequence according to a set of user instructions.

In addition, the Kashiwagi system includes a decoder used to decode the multimedia sequence produced by the encoder. *Id.*, col. 10, lines 40-48. According to Kashiwagi,

It is thus possible to reproduce a user-defined multimedia bitstream MB, in real-time according to a user-defined scenario. More specifically, each time the user selects a different scenario, the authoring decoder DC is able to reproduce the title

content desired by the user in the desired sequence by reproducing the multimedia bitstream MBS corresponding to the selected scenario.

Id., col. 12, lines 45-51. Accordingly, the Kashiwagi decoder displays a particular sequence by selecting a recorded video stream corresponding to that sequence.

Turning to the claims, claim 1 recites “editing at least a portion of the video stream ...wherein the editing is **based on characteristics of the video stream**.” These elements are not disclosed by Kashiwagi. In particular, as explained above, Kashiwagi discloses editing a multimedia stream **based on a user-defined scenario**. There is no disclosure in Kashiwagi that the user-defined scenario is based on, defines, or represents a characteristic of a video stream in any manner. Accordingly, Kashiwagi fails to disclose editing a portion of a video stream based on characteristics of the video stream, as set forth in claim 1.

In addition, claim 1, recites “**wherein editing occurs in real-time** relative to a user’s perspective of receiving the video stream.” Kashiwagi does not disclose editing a video stream in real time. The Office Action asserts that Kashiwagi discloses the recited elements of claim 1 at column 12, lines 45 to 50, set forth above. However, as explained above, the cited passage refers to a “real-time” **reproduction of a previously edited video stream**. Neither the cited passage nor any other portion of Kashiwagi discloses real-time **editing** of a video stream. Rather, Kashiwagi discloses that a received multimedia stream is edited by an encoder according to a user-defined scenario, and the **already edited** stream is reproduced in real-time by the decoder. There is no disclosure in Kashiwagi that the encoder edits the multimedia stream in real-time. Accordingly, Kashiwagi fails to disclose at least one element of claim 1.

With respect to claim 25, the claim recites “applying the set of selected editing options to the first stream of video to obtain an edited stream of video, wherein the applying is based on characteristics of the video stream” and “storing the edited stream of video in real time relative to the user’s perception of receiving the first stream of video.” For similar reasons to those set forth above with respect to claim 1, Kashiwagi fails to disclose any of these elements. For example, Kashiwagi fails to disclose applying a set of editing options based on characteristics of a video stream. In addition, because Kashiwagi fails to disclose editing a received video stream in real

time, it necessarily fails to disclose storing an edited stream of video in real time. Accordingly, Kashiwagi fails to disclose at least one element of claim 24.

With respect to claim 32, the claim recites “wherein the editing occurs substantially in the same time period as the receiving”, and “wherein the editing is based on characteristics of the video stream.” For reasons similar to those set forth above with respect to claim 1, Kashiwagi fails to disclose these elements. For example, Kashiwagi does not disclose editing occurring in substantially the same time period as the receiving of a video stream. Further, Kashiwagi fails to disclose editing a video stream based on the characteristics of the video stream. Accordingly, Kashiwagi fails to disclose at least one element of claim 32.

With regards to claim 43, the claim recites “a characteristic detection module...configured to identify one or more characteristics in the video stream” and “an edit options database...configured to select a set of predefined editing options based on at least one of the one or more characteristics.” As explained above, Kashiwagi fails to disclose editing a video stream based on characteristics of the video stream. Accordingly, Kashiwagi necessarily fails to disclose at least the recited elements of claim 43.

With respect to claim 46, the claim recites “wherein the means for editing is configured to perform editing substantially in the same time period as the means for receiving performs receiving.” For reasons similar to those set forth above with respect to claim 1, Kashiwagi fails to disclose means for editing configured to perform editing substantially in the same time period as receiving a video stream. Accordingly, Kashiwagi fails to disclose at least one element of claim 46.

Claims 2, 4, 6, 7, 10-18, and 21 depend from claim 1. Claim 31 depends from claim 25. Claims 35-42 depend from claim 32. Claims 44 and 45 depend from claim 43. Accordingly, Kashiwagi fails to disclose each and every element of the dependent claims, at least by virtue of their respective dependencies on claims 1, 25, 32, and 43. In addition, these dependent claims recite additional novel elements.

To illustrate, claim 7 recites “wherein the user action is a **channel change**.” Kashiwagi does not disclose editing a video stream based on whether a characteristic of the video stream

indicates a user has changed a channel. According to the Office Action at page 3, the recited elements are disclosed by Kashiwagi at column 7, line 60 – column 8, line 3, quoted above. Applicants respectfully submit that the cited portion of Kashiwagi does not refer or relate to a channel change in any manner, and instead discloses only the sequencing of multimedia data. Accordingly, Kashiwagi fails to disclose at least one element of claim 7.

With respect to claim 16, the claim recites “determining the selected editing options **based on a source of the video stream.**” Kashiwagi does not disclose determining selected editing options based on a source of a video stream. The Office Action asserts at page 4 that the recited elements of claim 16 are disclosed at column, 7, lines 41-60. However, Applicants respectfully submit that the cited portion of Kashiwagi discloses only that a user can manipulate a multimedia stream using a keyboard, mouse, and other input devices. . One of ordinary skill will appreciate that the **interface** used to manipulate of a media stream does not relate to the **source** of the multimedia stream. Neither the cited portion, nor any other portion of Kashiwagi, discloses determining editing options **based on a source of a video stream.** Accordingly, Kashiwagi fails to disclose at least one element of claim 16.

With respect to claim 21, the claim recites “wherein the selected editing options comprise a first set of editing options **when the characteristic indicates the video stream is associated with a content type.**” Kashiwagi does not disclose that selected editing options include a first set of options when a characteristic of a video stream indicates the stream is associated with a particular content type. According to the Office Action at page 5, the recited elements of claim 21 are disclosed by Kashiwagi at column 7, lines 52-60, quoted above. However, Applicants respectfully submit that the cited portion of Kashiwagi discloses only that different computer input devices can be used to create a scenario for sequencing a multimedia stream. Neither the cited portion, nor any other portion of Kashiwagi, discloses or relates to basing editing options according to whether a video stream is associated with a content type. Accordingly, Kashiwagi fails to disclose at least one element of claim 21.

In view of the foregoing, it is respectfully requested that the anticipation rejection of claims 1, 2, 4, 6, 7, 10-18, 21, 25, 31, 32 and 35-46 is improper. Withdrawal of the rejection and reconsideration of the claims is respectfully requested.

Obviousness Rejection of Claims 3, 5, 8, 9, 22-24, 26-30, 33 and 34

At page 8 of the Office Action, claims 3, 5, 8, 9, 22-24, 26-30, 33 and 34 are rejected under 35 U.S.C. § 103 as being unpatentable over Kashiwagi et al. This rejection is hereby respectfully traversed.

Claims 3, 5, 8, 9, and 22-24 depend from claim 1. Claims 26-30 depend from claim 25. Claims 33 and 34 depend from claim 32. As explained above, Kashiwagi fails to disclose or suggest at least one element of each of independent claims 1, 25, and 32. Accordingly, Kashiwagi fails to disclose or suggest each and element of the dependent claims, at least by virtue of their respective dependency on claims 1, 25, and 32. In addition, the dependent claims recite additional novel elements.

To illustrate, claim 3 recites “wherein the information within the video stream is a station logo.” According to the Office Action at page 8, it is “old and well known in the art” to include a station logo in a video stream. Even assuming *arguendo* that this assertion is correct, Applicants respectfully submit that it is not old and well known in the art to **edit a video stream** based on a station logo being included in a video stream. Accordingly, Kashiwagi fails to disclose or suggest at least one element of claim 3.

In view of the foregoing, it is respectfully requested that the obviousness rejection of claims 3, 5, 8, 9, 22-24, 26-30, 33 and 34 is improper. Withdrawal of the rejection and reconsideration of the claims is respectfully requested.

Conclusion

The Applicants respectfully submit that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

The Applicants believe no additional fees are due, but if the Commissioner believes additional fees are due, the Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-0441.

Respectfully submitted,

/Adam D. Sheehan/

Adam D. Sheehan; Reg. No. 42,146

LARSON NEWMAN ABEL POLANSKY & WHITE, LLP

5914 West Courtyard Drive, Suite 200

Austin, Texas 78730

(512) 439-7100 (phone)

(512) 439-7199 (fax)

November 26, 2007

Date